IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15724 of 2005

Between:

M.N.Ahmed, Banganpalle Depot,

R/o.Banganpalle , Kurnool District.

..... PETITIONER

AND

1 The APSRTC, Rep y its Regional Manager, Kurnool Region at

Kurnool.
2 The APSRTC, Rep by its Depot Manager, Banganapalle , Kurnool

District.
3 The Depot Manager, APSRTC, Koilakuntla Depot, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents herein in imposing the punishment of deferment of annual increment for a period of 6 months with cumulative effect without holding any departmental enquiry Vide Proc.No.E1/1(57)/96-KKL, dt.13-08-1996, as illegal, Unjust, contrary to well established principles of law and as such liable to be set aside by further directing the respondents to refix the pay of the petitioner by adding the deferred increment w.e.f.13-8-1996 and to pay the arrears forthwith.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the third respondent imposing a punishment of withholding of annual increment for a period of six months, which will have the effect of postponing the future increments.

2. According to the petitioner, he was appointed as a Conductor in the year 1991. While working in the respondent-Corporation, he was charge sheeted for unauthorized absence and the petitioner was asked to submit his explanation. The grievance of the petitioner is that he submitted his explanation, but the third respondent imposed a punishment of withholding of annual increment for a period of six months, which will have the effect of postponing the future increments. It is stated that though the petitioner filed appeal before the Divisional Manager, the same punishment was confirmed. Hence, the present writ petition.

3. The learned counsel for the petitioner contended that as the impugned order is contrary to the judgments of this Court as well as the Supreme Court, the same is illegal and unsustainable. Hence, sought for setting aside the impugned order.

4. The learned Standing counsel, however, contended that as the petitioner has come with the present writ petition after a long lapse of nine years, and further as the punishment imposed is only minor i.e., withholding of annual increment for a period of six months, it is not just and proper to interfere with the impugned order.

5. Heard both side and considered the material on record.

6. In the normal circumstances, this Court perhaps may have interfered with the impugned order. But in the present case, the punishment imposed is only withholding of annual increment for a period of six months, may be with cumulative effect. The said order was passed as early as on 13-08-1996, but petitioner has come up with the present writ petition only in the year 2005.

7. In view of the smaller punishment imposed by the disciplinary authority and the petitioner had approached this Court after a period of nine years, it is not a case where this Court has to show some indulgence to interfere with the impugned order as well as to grant the relief.

8. This writ petition is devoid of merits and accordingly dismissed. No order as to costs.

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S.ANANDA REDDY, J

20th July, 2005

SKM

Copy to:

1 The Regional Manager, APSRTC, Kurnool Region at

Kurnool.

2 The Depot Manager, APSRTC, Banganapalle, Kurnool

District.

3 The Depot Manager, APSRTC, Koilakuntla Depot, Kurnool District.

4 Two C.D. Copies.